

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

CLERK'S OFFICE U.S. DIST. COURT  
AT ROANOKE, VA  
FILED

OCT 24 2005

JOHN F. CORCORAN, CLERK  
BY  DEPUTY CLERK

SHAWN WAYNE BREEDEN,  
Petitioner,

v.

COMMONWEALTH OF VIRGINIA,  
Respondent.

Civil Action No. 7:05CV00413

ORDER

By: Glen E. Conrad  
United States District Judge

In accordance with the accompanying memorandum opinion, it is now

**ORDERED**

that the respondent's motion to dismiss shall be and hereby is **GRANTED** and the petition shall be **STRICKEN** from the active docket of the court.

The Clerk is directed to send certified copies of this order and the accompanying memorandum opinion to the petitioner and counsel of record for the respondent.

ENTER: This 24<sup>th</sup> day of October, 2005.



United States District Judge